

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**KENNETH W. YATES,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security**

**Defendant.**

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**CIVIL ACTION NO. 09-00212-CG-N**

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the recommendation of the Magistrate Judge made under 28 U.S.C. § 626(b)(1)(B) and dated December 10, 2009 is **ADOPTED** as the opinion of this Court and the decision of the Commissioner of Social Security denying plaintiff's benefits is **REVERSED** and **REMANDED**.

**DONE and ORDERED** this 30<sup>th</sup> day of December, 2009.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE